

DISTRICT OF COLUMBIA STATEHOOD CONSTITUTIONAL CONVENTION

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Monday, May 17, 1982

Washington, D.C.

The plenary session was convened at 5:15 p.m. in Convention Hall, 9th Floor, 10th and E Streets, Northwest, Washington, D.C., Mr. Charles I. Cassell, Chairman, presiding.

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P R O C E E D I N G S

PRESIDENT CASSELL: Good evening, ladies and gentlemen. Would the Convention come to order?

A moment of meditation, please.

(Pause.)

Mr. secretary, please call the roll.

(Secretary Cooper called the roll as follows:)

MR. COOPER: Delegate Baldwin, Present; Delegate Barnes, No Response; Delegate Blount, No Response; Delegate Bruning, Present; Delegate Cassell, Present; Delegate Clarke, Here; Delegate Coates, Present; Delegate Cooper, Present; Delegate Corn, Present; Delegate Croft, Present; Delegate Eichorn, No Response; Delegate Feely, No Response; Delegate Freeman, Here; Delegate Garner, No Response; Delegate Graham, Here; Delegate Harris, No Response; Delegate Holmes, No Response; Delegate Jackson, Present; Delegate Johnson, No Response; Delegate Jones, Present; Delegate Jordan, Present; Delegate Kameny, Here; Delegate Lockridge, Here; Delegate Long, Here; Delegate Love, No Response; Delegate Maguire, No Response; Delegate Marcus, Present; Delegate Charles Mason, Here; Delegate Hilda Mason, Here; Delegate Brian Moore, Present; Delegate Jerry Moore, Present; Delegate Talmadge Moore, Present; Delegate Nahikian, No Response; Delegate

Nixon, No Response; Delegate Oulahan, Present; Delegate Paramore, No Response; Delegate Robinson, No Response; Delegate Rothschild, Here; Delegate Schrag, Here; Delegate Shelton, No Response; Delegate Simmons, No Response; Delegate Street, No Response; Delegate Terrell, No Response; Delegate Thomas, No Response; Delegate Warren, Here.

MR. COOPER: Mr. President, 25 delegate answered the roll, including all three Moores.

PRESIDENT CASSELL: There being 25 delegates, the Convention is now in order.

Delegate Croft?

MR. CROFT: Thank you, Mr. President.

PRESIDENT CASSELL: Let me see if I understand correctly. We are beginning today with 19, Corporations?

MR. CROFT: Yes, Mr. President.

Mr. President, I move the adoption of Section 1, State Banking Commission.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 1 be adopted.

Discussion?

Mr. Secretary?

MR. COOPER: Fellow delegates, I'll be brief and simply state that this is just one more in a long, long line of commissions that are unnecessary in the constitution, and unfortunately, they are going to weight down this document.

I urge you to vote down Section 1.

PRESIDENT CASSELL: Further discussion?

Delegate Long?

MR. LONG: I have a technical point, that the jurisdiction of a State Banking Commission perhaps is too narrowly defined. I am a member of a Public Service Commission; we regulate stockbrokers in the District of Columbia. Normally, the State Banking Commission controls that particular function.

The way this reads, it seems to me, although I can't really tell, that this function would be excluded from the jurisdiction of the State Banking Commission, because I don't believe that stockbrokers are state-chartered financial institutions in the District of Columbia. I am not sure how to remedy this except maybe to add some language which loosens the jurisdiction a little bit.

PRESIDENT CASSELL: Are you for or against?

MR. LONG: Well, I guess I am against the way it is worded now and would like it to be --

PRESIDENT CASSELL: It isn't clear. Did you offer

an amendment?

MR. LONG: "No," I did not.

PRESIDENT CASSELL: All right.

Delegate Schrag?

MR. SCHRAG: To take care of the problem Mr. Long brings up, I move to add to the end of the section, "and to perform such other functions as may be provided by law."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that this language be added to the end of Section 1 on line 3. Would you repeat that, please?

MR. SCHRAG: "and to perform such other functions as may be provided by law."

PRESIDENT CASSELL: Discussion?

Delegate Croft?

MR. CROFT: Mr. President, we can accept that. That is acceptable to us.

PRESIDENT CASSELL: That is acceptable to the Committee.

Further discussion?

Yes?

MR. JACKSON: Since Delegate Cooper is starting to sound like a broken record, I call the previous question.

(The motion was duly seconded.)

PRESIDENT CASSELL: Those in favor of calling the previous question, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Those in favor of Section 1, the amendment -- please read it once more --

MR. COOPER: "and to perform such other functions as may be provided by law."

PRESIDENT CASSELL: Okay. Those in favor of that amendment, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: We are back to the original motion as amended, Section 1 as amended. Those in favor of Section 1 as amended, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The ayes have it.

Mr. Croft?

MR. CROFT: Mr. President, I move the adoption of
Section 2, State Depositors Insurance Fund.

(The motion was duly seconded.)

PRESIDENT CASSELL: Moved and seconded that
Section 2 be adopted.

Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion,
those in favor of Section 2, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The ayes have it.

Mr. Croft?

MR. CROFT: Mr. Chairman, I move the adoption of

Section 3, State Economic Development Bank.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 3 be adopted.

Discussion?

Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I have filed an amendment. I move that Section 3 be deleted.

PRESIDENT CASSELL: Is there a second to that motion?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 3 be deleted.

Discussion?

MR. OULAHAN: Mr. Chairman, I am moving this deletion because I believe a state development bank is not a proper creature of a democratic government. State development banks are creatures of Iron Curtain countries, where the bank is used as a means of controlling an otherwise private economy. The bank reviews our tax dollars for financing, which should be covered by private banks, and therefore, I urge you to vote against this type of bank.

Thank you.

PRESIDENT CASSELL: Further discussion on the deletion of Section 3?

(No response.)

PRESIDENT CASSELL: There being no further discussion those in favor of the motion to delete Section 3, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Further amendments?

(No response.)

PRESIDENT CASSELL: There being further amendments, Section 3 is up for adoption. Those in favor, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The ayes have it.

Mr. Croft?

MR. CROFT: Mr. Chairman, I move the adoption of Section 4, Corporations.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section '4 be adopted.

Discussion?

Oulahan?

MR. OULAHAN: Mr. Chairman, I filed a substitute motion for Section 4, which reads as follows: "The legislature shall provide by law for the organization, regulation, and qualification of all corporations, unincorporated enterprises, mutual and cooperative companies and associations, and foreign corporations doing business in the state."

(The motion was duly seconded.)

MR. OULAHAN: I did submit it to the Secretary; I have another one here.

Mr. Chairman, this is not a substitute to change substance. This is a substitute to clarify and make correct. The draft that the Committee has submitted is incorrect in its description of the kind of regulation which a state does of corporations. For example, the use of general control in the proposed section by the Committee -- that is an inexact. Also, there is a reference to control over foreign corporations

when they transact business. That is not the state of the law. Transaction business is when I am a foreign corporation, and I come into the District of Columbia, and want to submit a bid to the District of Columbia, and it is turned down. I transacted business. If the bid is selected, and I start doing business in the District of Columbia, then quite properly, I am subject to control and subject to qualification.

I urge this amendment, Mr. Chairman, because I think it is words that will achieve what the Committee had in mind and will be more in consonance with the current law.

PRESIDENT CASSELL: Response of the Committee?

MR. BARNES: Could we have a minute, please?

PRESIDENT CASSELL: Further discussion, please?

MRS. MASON: Mr. Chairman, could we have it read again?

PRESIDENT CASSELL: Let me read it again for everybody's benefit. The substitute motion is: "Corporations. The legislature shall provide by law for the organization, regulation and qualification of all corporations, unincorporated enterprises, mutual and cooperative companies and associations, and foreign corporations doing business in the state."

How is that different from the first?

Mr. Croft?

MR. CROFT: Mr. Chairman, I have one question. You have taken out "provide by general law". Will you explain that?

MR. OULAHAN: Well, corporations aren't controlled by general law. Corporations are controlled by the corporation law, which is Title 29. And Title 29 is constitutional, and I submit that the draft which I have given to you is in accordance with corporation law in the District of Columbia, and will give actually whatever body controls the corporation more authority. It does a better job than you did.

MR. CROFT: Mr. Chairman, it is acceptable to the Committee.

PRESIDENT CASSELL: It is acceptable.

Further discussion?

Brian Moore?

MR. B. MOORE: Yes, was the phrase, "general control of all corporations" eliminated?

MR. CROFT: Yes.

PRESIDENT CASSELL: Apparently, yes.

Delegate Jones?

MS. JONES: Mr. President, could somebody explain to me what the difference is? Now, I heard Mr. Oulahan say

that he did a better job than the Committee did -- well, everybody uses a different measuring cup, Ab -- I'd like to know what the difference is -- and I hate to sit here and prolong this, but of course, I don't have the wording, and all of the things were passed out, so I can't make the comparison with letters in front of me. But would somebody please tell me what the difference is?

Is the General Counsel here?

PRESIDENT CASSELL: Well, Mr. Oulahan has already made the distinction.

Would the Chair of the Committee, who finds this acceptable, indicate what he sees is the distinction and why it is acceptable?

MR. CROFT: Well, I must admit that I am taking Mr. Oulahan's word that it means the same, and it is also stronger language. But it is on that basis that we find it acceptable, that it does not change our article in its substance, and that the language is even tighter than the language in our article. Now, if that were not true, we would not accept it.

In other words, if the General Legal Counsel would advise us that this section is indeed a weaker section than ours, we would not accept it.

PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: Thank you, Mr. President.

Did the General Counsel analyze that particular section?

PRESIDENT CASSELL: Is the General Counsel here?

(No response.)

PRESIDENT CASSELL: Were some questions raised about it in the question period yesterday, that the General Counsel responded to?

Delegate Jones, do you remember an explanation from the General Counsel yesterday?

MS. JONES: Not on this section. He gave explanations on other sections.

PRESIDENT CASSELL: Okay. Apparently, your question has been answered.

Delegate Baldwin?

MR. BALDWIN: Mr. President, I notice on page 4 of the General Counsel's report, it states, "Banking Corporations". Again, this section appears to involve primary policy issues, and it suggests that the delegates give attention to the concern raised at the minority report, and I have suggested time after time that I think it is a good idea for the chairpersons of these committees to take into consideration

whether they agree with it or not, and then share with the delegates the analogy that was given us by our General Counsel.

PRESIDENT CASSELL: May we move on?

MR. CROFT: Yes.

PRESIDENT CASSELL: Delegate Brian Moore, please.

MR. B. MOORE: Yes, could Courts Oulahan explain what he did not like about the original phrase?

MR. OULAHAN: I'd be glad to do that, Mr. President. I eliminated the words, "general control", because they are not words which are used in corporation statutes, and states do not have general control over corporations. The control by states over corporations involves their corporation, the fact that their charter is kept current, the submission of reports, and so long as those are done, corporations are permitted to operate within the state. This applies also to foreign corporations. By using the words, "general control", I felt that that might be interpreted as the state being permitted to intervene in the affairs of the corporation, to require the corporation to change its bylaws, to change its directors, to change its stockholders. I think if any attempt were made by a governmental body to do that, it would be unconstitutional and illegal.

I represent to you, however, that the language that

I have used it to my best knowledge and belief the language which is used by other corporation statutes to regulate both domestic and foreign corporations. But I did leave out that language, "general control".

PRESIDENT CASSELL: Delegate Bruning?

MR. BRUNING: Move the previous question.

(The motion was duly seconded.)

PRESIDENT CASSELL: Those who agree with cutting off debate, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Those in favor of the amendment -- the substitute motion by Courts Oulahan, as discussed and passed out, please indicate by raising your hands.

(A show of hands.)

MR. COOPER: Twenty-three.

PRESIDENT CASSELL: Opposed?

(A show of hands.)

MR. COOPER: One.

PRESIDENT CASSELL: Abstain?

(A show of hands.)

MR. COOPER: One.

PRESIDENT CASSELL: The substitute motion carries. We are back to the original motion now, Section 4 as amended. Those in favor, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Mr. Croft?

MR. CROFT: Mr. President, I move the adoption of the article, Banking and Corporations, as amended.

(The motion was duly seconded.)

PRESIDENT CASSELL: Those in favor of Section 4 as amended -- yes?

MR. LONG: I wish to speak to the article.

PRESIDENT CASSELL: Speak.

MR. LONG: My main problem with this article is the State Development Bank. It has a nice name, but when we look at what it says, it essentially is a bank of last resort.

I think what will happen is that the banking community will easily be able to dump all of the marginal or sub-marginal risks onto the state development bank, which will then, apparently, have to deal with those people very seriously and will, I would expect, run into financial difficulties themselves because of the way that section is stated.

On that basis, I urge you to vote down the whole section.

PRESIDENT CASSELL: Delegate Barnes?

MR. BARNES: Yes. I have the opposite viewpoint, and the reason that I have this viewpoint is that I feel that if there is one thing that we can do to try to get a handle on economic development in the new state, to try to influence development selectively, it is to have a state bank of last resort. We all know of many people who can't get loans for housing, for education, for small businesses to be started up. I am a living example of this since I work for a company that wouldn't exist if there hadn't been a Federal program to give small businesses loans and advantages in contracting with the Federal government.

So I have to take the opposite view. I think the economic development bank is an innovative thing; I think we are looking toward the future, and I urge your vote on this

article.

PRESIDENT CASSELL: All right. Any further discussion?

(No response.)

PRESIDENT CASSELL: Those in favor of adopting the Banking and Corporations Article as amended, please indicate by raising your hands.

(A show of hands.)

MR. COOPER: Twenty-two.

PRESIDENT CASSELL: Opposed?

(A show of hands.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The article is adopted.

Mr. Croft?

MR. CROFT: Mr. Chairman, I move the adoption of Section 1 under the Article, Water Provision and Transition Considerations, Section 1, Water, A Public Necessity.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 1 be adopted.

Discussion?

Delegate Jordan?

MR. JORDAN: Mr. President, I have submitted an amendment. I would like to move that we strike all of this section. The articles that are covered here are basically covered in Local Government and also under our transition provision, and we are going to be up late all this week, and I'd like to see that there won't be any dispute or conflict with it. I'd like to move to strike everything that is mentioned here under Water Provision and Transition Considerations.

PRESIDENT CASSELL: What are you striking, now?

MR. JORDAN: I want to strike the whole article.

PRESIDENT CASSELL: The entire article.

Is there discussion?

(The motion was duly seconded.)

MR. CROFT: We'll accept that, Mr. President.

PRESIDENT CASSELL: Okay. It has been moved and seconded that the article on Water Provision and Transition Considerations be struck.

Further discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Mr. Croft?

MR. CROFT: Mr. President, I move the adoption of all five articles of the Economic Development Committee Report: the article on Land Use; the article on Health and Environment, the article on Transportation and Utilities; the article on Labor Relations, and the article on Banking and Corporations.

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay. It has been moved and seconded that the entire article be adopted.

Discussion?

MR. LONG: Mr. President, under the ruling of the First Vice President, this is apparently the appropriate time to move a substitute for the whole article. The minority report of this Committee has a proposed article which is attached to the Committee's report and has been subsequently distributed to the delegates on the blue sheets.

I would move as a substitute this proposed article.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded

that the substitute article shown on the blue sheet -- I presume everybody has that -- be adopted.

Discussion?

Mr. Long?

MR. LONG: Mr. President, in the year 2062, when Delegate Nixon is 100 years old, and he is being interviewed by the media as the last surviving member of the Constitutional Convention, I want him to be able to say that the delegates to this Convention understood the difficulty of the task that they had before them; that the process they were involved in was one of getting statehood, and not trying to treat every particular social ill which existed at the time.

We have a tightrope situation here. We are trying to get an increase in the basic, fundamental democratic rights of the people of the District of Columbia past both the population of the District and, more difficultly, as everybody knows, the Congress of the United States.

This is a single issue age, when politicians are dogged and run to the ground on their opposition or espousal of a single issue, not on their total stance overall. We have hard, cold choices to make in this Convention.

We have added through this article controversy which I believe puts the constitution in jeopardy. The

Land Use section is essentially meaningless and a not very effective piece of legislation. The environmental section seems to create a new right. We heard discussion that it was well current in the common law. So I think it will cause controversy, even though there is nothing there to get excited about. The utilities section is redundant, covered by present legislation. The labor section is probably the most controversial. We had most eloquent attack and defense on the right of public employees to strike. What we adopted was that right, with limits. However, it is going to be a red flag, which is going to give the forum for the right to work people and the right to strike people to fight it out. And finally, in the banking and corporations article, we adopted a state economic development bank, a bank of last resort, which is going to be of dubious financial stability itself. We do not have in the District the financial power of the Federal government to get into funding marginal businesses, which is largely the function of the Small Business Administration, the Economic Development Administration and many others. That power isn't here, and I think that effort is going to lead to a failure of its own.

For those reasons, I want you to vote in the substitute and thus, eliminate this whole article, reminding

you of the old phrase, "Let not the best be enemy of the good."

PRESIDENT CASSELL: Delegate Coates?

MR. COATES: Thank you, Mr. President.

I speak in defense of the Committee's report to us, and note that the vigor with which delegates Long and Cooper have raised challenges to the Committee's report on first reading, only the tip of the iceberg, indicating or referring to the fact that through all of the weeks leading up to the report out of the Committee, those respective delegates in their own right and privilege as members of the Committee vigorously opposed the formation of what the Committee ultimately recommended to us.

I refer to that to convince you that every, single provision enjoying the majority vote of the Committee was subjected to a scorching and searching analysis and critique by delegates Cooper and Long. That those provisions survived not only here in the Convention on first reading, but survived in long, arduous Committee sessions, indicates the integrity, the validity and the soundness of what the Committee has reported out to us.

And when we summarize the objections to the Committee's report, what is it that we hear? We hear the

one adjective, "controversial".

I submit that the Continental Congress was controversial. But I also argue that the mechanisms for public policy-making and decision are adequate to handle that controversy, and should we for the sake of being noncontroversial turn a deaf ear and a closed eye to the issues of vital interest to those who dare to make Washington, D.C. and the soon to be new state home? The Committee views is that we ought not turn a deaf ear and a closed eye, but ought to incorporate in this document those things which we feel, in our considered judgment, a judgment sustaining itself under scorching and searing critique by delegates Long and Cooper, and finally incorporated in the Committee's report. If these things are controversial, they are justified in that they speak to long-ignored rights and privileges of the citizens of D.C.

So, I urge you to vote down the minority report and to sustain the report of the Committee, which comes to us out of the Committee's considered judgment and having sustained itself in the face of the critique of those framers of the minority report.

PRESIDENT CASSELL: All right. That is one for and one against.

Someone else for. Delegate Holmes?

MS. HOLMES: I want to say, as I said before, we put ten committees together. If we were just going to fight the committees, I don't think they should have been together. I think there have been some long hours put in all of these committees, including Economic Development. And I feel that if we have been in here as long as I have, and others, that we should consider the work that has been put into these committees on Economic Development and all the rest of them. But we talk about freedom. In the end, there is no freedom. If you don't fight for what you believe in, you will not have it. And I believe that this is one time that we should be free and fight against the minority report that has been given to us. We as people should decide that we had an opportunity to assign these committees, and if we didn't want the committees, we shouldn't have put the ten together. And I feel that if we work together in these last two weeks, we can produce something and stop fighting on the causes that are out here.

Thank you.

PRESIDENT CASSELL: Delegate Cooper?

MR. COOPER: Fellow Delegates, many times I have risen to speak against what I thought was an injustice in the Committee. But I don't think that is really necessary, because I think the fact that one-third of this total Committee

speaks up by way of minority should tell you something. I think as Delegate Coates said, that in consideration of this report, it was extremely scorching and extremely searching. But I think we still have some searching to do, because I have yet to find anything of worth in this report.

Fellow Delegates, the report that the Committee has produced, as has been purported to you, is heavily weighted. Three-fifths of the Committee's report has been extracted from current legislation. We all know that the constitution is merely a regularized set of rules. What we have before us is an irregular, unorthodox set of limitations that can only handclasp the legislature, can only handclasp the executive. I think that this is a horrendous report.

The eminent domain section of this report gives the legislature the opportunity to deprive the public of their land if it can serve a compelling public service. How can we in this constitution in several cases determine what is a public purpose? "Public purpose" in the courts has not been able to be described or defined in its entirety for 200-some-odd years. How can we, in two short months, whittle away at 200 years of toil by putting this kind of worthlessness in our constitution?

Many times, I have spoken about the procedures that

took place in this Committee. I don't think that needs to be enumerated any further. I think we are all aware of the high-handedness that some delegates can serve. I think we are all aware of how many delegates vote in unison, how many delegates don't give an objective view to what is before us.

I think the Economic Development Committee has extremely overstepped their bounds in producing such a lengthy report. As member of the pre-Convention Committee on Committees who toiled day and night--some nights to 2 a.m., 3 a.m. -- we struggled with the question of what the province of the Committee on Economic Development should be, and believe you me, I have the documents to prove that we certainly did not expect the Committee on Economic Development to come out with such an extraneous document. That was not their pervue. It was made known in our rules when we adopted them.

Fellow Delegates, this Committee has done a great disservice to us inasmuch as they, more than any other Committee, have jeopardizes our chances of gaining statehood by including in this document provisions that are so unorthodox, so unheard of, and so un-normal and irregular, that we will never be able to gain statehood, because these are two controversies that go before the public. If the public passes them, the Congress surely will not.

So, my fellow Delegates, please vote up the minority report, because it is the only thing that can guarantee that our labor for the past four months have not been in vain.

PRESIDENT CASSELL: Is there anything else that needs to be said that has not been said on this substitute -- by somebody who hasn't spoken yet?

Delegate Jackson?

MR. JACKSON: I must say certain things. The fact is that I can only commend the Committee. The Committee brought forth some 40 or 50 speakers and people, everyone from PEPCO to the Central Labor Council, from the People's Council to others. How can anyone not accept and recognize the fact that so many distinguished people of this City have given us certain ideas?

Now, I am tired of people telling us how stupid we are for passing and accepting certain provisions. For example, the Committee put together an eloquent report, a report of some 50 pages, which has been subject of criticism. But any time a report and research have put forth ideas and things that have been discussed, that should be commended to the highest. But no, no, no. They want us to put out a one-page document that only says something like this -- which takes us farther

than the U.S. Constitution. The U.S. Constitution speaks about eminent domain. The U.S. Constitution speaks about rights of people. But these dear gentlemen, who I must admit, while all of a sudden becoming the great spokespeople of statehood, all of a sudden, I must add, are in fact their worst enemies.

Mr. Chairman, we have debated this thing for three or four days. And if anything, the majority of the people of this Convention have come out for the provisions of this section. We could not ? but one or two or three people, and in fact, Mr. Cooper did put it on the head, he put the nail right on the head -- yes, there are one or two or three people who want to call it a show, and Mr. Chairman, we cannot allow that to happen. We are not Capitol Hill lawyers. We are the people's representatives, and the people's representatives must speak. They have spoken in this sense of putting forth a very good, well-thought-out document that will guarantee rights of people around securing the economic development provisions which will make this state a great one. It cannot go backward, as these gentlemen would have it, who don't even keep up the tradition of Abraham Lincoln.

Thank you, Mr. Chairman.

PRESIDENT CASSELL: I will allow one more for and one more against, and then we are going to vote.

Delegate Coates?

MR. COATES: Yes, Mr. Chairman. The point that I make is not only responsive to the support of the minority report by Delegate Cooper, but is responsive to a number of expressions that have been made in this Convention -- namely, that for the sake of gaining statehood, we should encumber ourselves with another captivity. Why should I, for the sake of getting out of jail, contract myself to be bound and stocked in the public center?

Now, if to secure statehood, we have to encumber ourselves to the economic interests for the sake of their own gains, rape and rob and prostitute the citizens of the City, then let them keep statehood.

(Applause.)

MR. COATES: Now, if high-powered corporate lawyers, if utility interests and others say they are going to scuttle statehood, if we bring out a creditable statement in our constitution, then why should I trade my present bondage without statehood for another one?

Whatever the opponents of statehood say and threaten, I don't think that should scare any of us from

being courageous and strong and heroic to make a statement out of conscious and good judgment, which we think ought to guide this new state.

PRESIDENT CASSELL: Delegate Oulahan, and then we vote.

MR. OULAHAN: Mr. Chairperson, I guess I have got to plead guilty that I am probably a corporate lawyer. But my remarks to sustain the deletion of the whole section and substitute the substitute are based purely on the merits of the controversy. The provisions are not necessarily controversial. All of my amendments and objections have been based upon either the lack of any validity for the claim or the fact that the proposal made was inconsistent with the democratic form of government.

For example, the right to strike by public officials. There is no established constitutional right for that at the present time. It doesn't exist.

One other point. Please, don't those of us who want to see a valid, middle-of-the-road, temperate constitution be accused of "raping, robbing and prostituting" the people of the District of Columbia. Our purpose is just the opposite. This article is special interest legislation. It is being proposed for special interests. It does not

recognize all the interests of the District of Columbia, and that's not rape, robbery, or prostitution.

Thank you.

MR. ROTHSCCHILD: Mr. President --

PRESIDENT CASSELL: I said there would be two more, and unless you're got something imperative, let's call it to a halt. I want to move on now. I'm not going to recognize you. I think we've had enough.

MR. ROTHSCCHILD: I have a question, and the question has not been called, sir, and that does not entitle you to call the question --

PRESIDENT CASSELL: I'm telling you now. There is no more discussion. If you have a question before you vote, ask your question, and then sit down.

MR. ROTHSCCHILD: I have a question. Because I don't want to throw out the baby with the bathwater, I'd like to know, parliamentary-wise, if we were to vote this down, and if we were to vote up the minority report, does that mean that certain sections of this could not be considered in other parts of the rights section? I mean, once and for all, if this goes down, there is nothing in here we can use again?

PRESIDENT CASSELL: Yes, sir.

All right. Those in favor of the substitute motion

that you have on the blue sheet, offered by Delegate Long, signify by raising your hands, please.

(A show of hands.)

MR. COOPER: Five.

PRESIDENT CASSELL: Opposed?

(A show of hands.)

MR. COOPER: Twenty-five.

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: All right. We are back to the original motion to adopt the article and the amendment. Those in favor, signify by raising your hands. This is the entire article, as amended.

(A show of hands.)

MR. COOPER: Twenty-five.

PRESIDENT CASSELL: Opposed?

(A show of hands.)

MR. COOPER: Four.

PRESIDENT CASSELL: Abstain?

(A show of hands.)

MR. COOPER: One.

PRESIDENT CASSELL: Mr. Croft, thank you very much.

MR. CROFT; Mr. Chairman, may I have a moment? I

would like to thank the members of the Committee, and most of all, I would like to thank the delegates in this hall. I would like to thank you for every day that we've met on this article, and I'd also like to thank you particularly for Saturday.

Thank you very much.

(Applause.)

PRESIDENT CASSELL: If I am correct, fellow delegates, I think we started this either Thursday night or Friday morning. So that is Friday, Saturday, and early on this day. It is possible, then, to do these things in two days. Let us make that our objective now.

The next Committee is Finance and Taxation.

Delegate Moore?

MR. B. MOORE: Yes, a point of information, Mr. President. Are we conducting these sessions by the rules proposed by Delegate Baldwin, that were approved by the delegation several days ago?

PRESIDENT CASSELL: No; we are going to suspend the rules and move on.

MR. B. MOORE: Is that consistent with your -- you cut off debate a couple of minutes ago. Could you clarify for me what Mr. Baldwin proposed and what was approved, and if that

was consistent or not on the discussion?

PRESIDENT CASSELL: Delegate Moore, the Chair reserves the right to expedite the proceedings. If the Chair feels there has been sufficient debate, and there are no new arguments to be made, the Chair will cut that off and save time. Mr. Baldwin doesn't say that you have to have a certain amount of debate; he wants to say there is a limit. I feel that that was properly debated, and it is time to move on. I am very happy now that we are getting on with a new report this early in the evening.

Delegate Baldwin?

MR. BALDWIN: Mr. Chairman, before we convene again, I would like to suggest to the Chairmen of the Committee -- and this is only a suggestion -- that we are in fact three and one-half articles behind what we should be, based on our most recent rules that we adopted. And I would like to suggest to the Chairman of this Committee, number one, that we dispense with the following. Some of us are very concerned about trying to meet the May 29 deadline. I would suggest that we dispense with the question and answer sessions -- and this will hold true for all future committees -- number one, the reading of the report only during debate; the introduction and discussion regarding what happened in the hearings, since

we really don't have that luxury now, and if we could just move right into debate -- as I said, this is just a suggestion, but we need to do something so that we can adopt, draft and frame this constitution by May 29th.

PRESIDENT CASSELL: The First Vice President has made what I think is a good suggestion which will save us some time, and that is that we move directly from the reading into debate and see if we can get our questions answered there.

Delegate Moore?

MR. J. MOORE: Mr. President, I listened very attentively to the remarks made by the Vice Chairman, Delegate James Baldwin, and I think those suggestions are good. Therefore, I will move that the suggestions be approved.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Delegate Baldwin's suggestion regarding expediting the questions tonight by incorporating them in the debate period. Is there any discussion on that?

(No response.)

PRESIDENT CASSELL: Those in favor, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Delegate Kameny?

MR. KAMENY: Just a quick question. I don't want to waste time. This does mean, then, that during the debate, if I choose to rise and am recognized, I may simply ask a question rather than actually discussing the merits of something --

PRESIDENT CASSELL: If it is in accordance with normal, parliamentary procedure, yes.

MR. KAMENY: Fine. Thank you.

PRESIDENT CASSELL: Delegate Coates?

MR. COATES: Thank you, Mr. President.

I move the adoption of the section entitled, "Fiscal Period".

PRESIDENT CASSELL: Has this been read yet?

MR. BALDWIN: Yes, it has been read. The President just asked has this been read, and I told him this particular article has been read, and questions were asked regarding this particular article on Friday.

PRESIDENT CASSELL: Is there debate?

MR. COATES: Delegate Oulahan.

MR. OULAHAN: Mr. President, Mr. Chairman, I move the substitution in lines 2 and 3 of this section to use the following language: "The fiscal period of the state shall be a period of 24 months, which shall commence and terminate" -- I am sorry, I have got to go through the whole section-- "as provided by law, and shall also constitute the budget and accounting period."

PRESIDENT CASSELL: Have you written that out?

MR. OULAHAN: Sir, I distributed it to all hands, and I gave additional copies to Mr. Cooper a week ago, copies of these proposed amendments. And they are a signed document in the records of the Convention. I do have another one here, Mr. Chairman. (Handing document to President Cassell.)

MR. COATES: Discussion?

(No response.)

MR. COATES: Is there a second?

(The motion was duly seconded.)

MR. COATES: Discussion?

MR. OULAHAN: Mr. Chairman, the language is not intended in any way to defeat the intent of the Committee. It is to clarify the intent of the Committee.

Thank you.

MR. COATES: Delegate Mason?

MR. MASON: I rise in support of the Oulahan amendment, simply for the reason that I brought out at the question period, that our fiscal periods formally began on the 1st of July and ended on June 30th. We changed to track the Federal fiscal year when the Federal law changed. The effect on the two Education Boards was bad. No system for universities that I know of elsewhere uses a fiscal period which begins three or four weeks after school opens in the fall.

I therefore objected to anything which might be forcing only educational boards a fiscal year that did not properly accommodate the academic year. I believe that the Oulahan amendment, by removing the specific date, makes it possible for the legislature to set, either for the whole government, or at least for the educational boards, fiscal years that would be consistent with the academic year, and therefore I support the Oulahan amendment.

MR. COATES: Is there any other discussion?

(No response.)

MR. COATES: Would delegate Bruning speak in response to the question of Delegate Jordan?

MR. BRUNING: I think it's all right.

MR. COATES: The Committee finds the amendment acceptable.

Is there any other discussion? Delegate Barnes, would you join us with the Committee here at the table here, as you raise your point?

MR. BARNES: I think that the Oulahan substitute is only a recommendation; it is not binding, so it would have no effect.

MR. COATES: Any other discussion?

(No response.)

MR. COATES: If not, those who support the amendment will say aye.

(A chorus of ayes.)

MR. COATES: Those opposed, no.

(No response.)

MR. COATES: Are there any abstentions?

(No response.)

MR. COATES: Is there any other discussion on the motion as amended?

(No response.)

MR. COATES: Those who support the motion as amended will say aye.

(A chorus of ayes.)

MR. COATES: Those opposed, nay.

(No response.)

MR. COATES: The motion carries, adopting the section entitled Fiscal Period. It is adopted as amended.

I move the adoption of the section entitled, "The Budget".

(The motion was duly seconded.)

MR. COATES: Any discussion? Delegate Schrag?

MR. SCHRAG: Two questions. First, is there not a typographical error in this section on line 12, in the phrase -- the typist typed a line twice; is that not correct?

MR. COATES: That is correct, sir, and the Committee is aware of the typo, and its recommendation for adoption has considered and incorporated that deletion.

MR. SCHRAG: My second question is, I have proposed to you, Mr. Chairman, a substitution for a phrase on line 13. Has the Committee considered the substitution? If so, I will offer it at this time.

MR. COATES: The Committee did consider the question raised by the Delegate in the Committee, and it was the disposition of the Committee, based on the concern of Delegate Cooper, to keep those two conditions.

MR. SCHRAG: No. I'm talking about the section on page 1 now; not the one we talked about earlier.

MR. COATES: No, we haven't.

MR. SCHRAG: Well, then, I move it and describe it, whether the Committee supports it or not. Mr. President, I move that on line 13, instead of the phrase, "covering recommendations in the budget for all anticipated revenues", we substitute, "to raise all necessary revenues".

PRESIDENT CASSELL: Is there a second to that?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the language as indicated by Delegate Schrag be substituted for the existing on line 13.

Discussion?

MR. SCHRAG: Mr. Chairman, like Mr. Oulahan's previous proposed amendment, this is not intended to change the meaning at all of what the Committee has proposed, but simply to clarify the meaning. The phrase, "covering recommendations", is not a very precise one, and I am not clear on what it means. I think we can shorten it, and "to raise all necessary revenues" makes it clear that what we are talking about is a tax bill or a borrowing bill or whatever kind of bill is necessary to bring in the money to

pay for the anticipated expenditures; whereas "covering recommendations in the budget for all anticipated revenues" seems to suggest that revenues are anticipated in the absence of a revenue-raising bill, which is very puzzling. So I think this is clarifying language.

PRESIDENT CASSELL: Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I am not trying to tie the Convention up, because I submitted a report a week ago. So therefore, I would like to deal with the amendments if the Chairman of the Committee would agree on a paragraph-by-paragraph basis. We have been dealing with Paragraph 1.

I have a further amendment to Paragraph 1, which I would like to tack onto that of Mr. Schrag, so we don't have to have two votes, which is to add in line 7 the words, "At a time established by law, the Executive shall submit to the legislature a balanced operating budget." That language is designed to clarify the budget, because you can never have a capital budget that is balanced, and we certainly want to help the new state have a balanced operating budget.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Delegate Schrag's amendment be further amended to make a change on line 7, and that is a "balanced" and the new word,

— "operating budget".

MR. SCHRAG: Mr. Chairman, if the Committee accepts both of these, I will not raise a point of order about the germaneness of his amendment to my amendment, so we can move on. If there is controversy about either one, then I would call for a separate vote on either one.

MR. COATES: The Committee accepts both.

MR. SCHRAG: Okay.

PRESIDENT CASSELL: Very good. Those in favor of the amendment to Schrag's amendment, the amendment just made by Delegate Oulahan, please signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Okay, we are back to Delegate Schrag's motion, which is to substitute on line 13, delete "covering recommendations in the budget for all anticipated revenues", and substitute for that, "to raise all necessary revenues". Is that correct?

MR. SCHRAG: Correct.

PRESIDENT CASSELL: Okay. Those in favor of that

substitution or that amendment, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: It is so amended.

Delegate Talmadge Moore?

MR. T. MOORE: Mr. Chairman, I think it has been covered by Schrag and Oulahan, but I wanted to make an amendment to line item 7, the section on the budget, and I wanted to delete the word "balanced". And I rise now for deleting the word, "balanced", because I don't think it is possible to get a balanced budget, and I am concerned as to how you are going to get a balanced budget in, what process you are going to go to, to whose expense, and so on.

So therefore, I question the word, "balanced", and I want to just drop that word. In many instances, you can operate a state on an unbalanced -- it doesn't have to be a balanced budget. I think the President of the United States today is trying to get an amendment to the constitution to have a balanced budget, but we don't know at whose expense he is going to balance that budget. So I am concerned as to whether

a state can operate two or three years in an unbalanced state, rather than a balanced state.

(The motion was duly seconded.)

MR. COATES: I'd ask Delegate Freeman to respond to Delegate Moore.

MS. FREEMAN: Delegate Moore, the Committee discussed whether or not we would have language in this section on a balanced budget, and debated that at length, and we decided, if you will read the rest of the article, that we are not requiring operating within a balanced budget, but we are requiring the submission of a balanced budget. And the distinction there is that if -- and we have certainly provided for the ability to borrow money and to go into debt -- but the theory was that we should not direct the submission of unbalanced budgets. And we felt that we provided a balance between allowing the state to go into debt, but to try to keep on top of things fiscally by submitting a balanced budget.

MR. COATES: Thank you. Any other questions?

(No response.)

PRESIDENT CASSELL: Any further questions, or any further amendments?

Yes, Delegate Schrag?

MR. SCHRAG: Is the next page before us part of the

same section that has been moved?

PRESIDENT CASSELL: Mr. Chairperson?

MR. COATES: Yes, that's the next paragraph. We are proceeding paragraph by paragraph.

PRESIDENT CASSELL: Well, isn't that part of the budget now, this section on budget?

MR. COATES: But our procedure was to move forward paragraph at a time, and we are working on the second paragraph.

PRESIDENT CASSELL: Okay. We are still on it, then.

MR. COATES: The question is to adopt the section entitled, "Budget", first paragraph, as amended.

PRESIDENT CASSELL: Is there further discussion on that?

MR. OULAHAN: What about Colonel Moore's amendment?

MR. COATES: He did not make an amendment. He raised a question as to --

MR. OULAHAN: I thought he did. I seconded the amendment.

MR. T. MOORE: I moved to delete the word, "balanced".

PRESIDENT CASSELL: I thought that was a question. We engaged in discussion, Delegate Coates was asked to respond. Delegate Coates asked Delegate Freeman to respond. I did not

hear a motion and a second.

MR. OULAHAN: I seconded it.

MR. COATES: Mr. President, it appears that Delegate Oulahan seconded a question rather than a motion, so that we have Paragraph 1 --

PRESIDENT CASSELL: Well, let the Chair rule that inasmuch as Delegate Moore submitted to the President in writing his amendment to delete the word "balanced" on line 7, that he intended to move that that be deleted, even though he put it in the form of a question.

Those in favor of deleting the word, "balanced", signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion loses.

Okay. The original motion as amended, to adopt the section, "The Budget", is at issue now. Those in favor of that motion as amended -- the amendment was on line 13 -- indicate by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: It is adopted.

Mr. Coates?

MR. COATES: Just for the record, sir, the amendment was not only on line 13, but also on line 7.

I move the adoption of the second paragraph, beginning, as read, "The Governor may...."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the second paragraph on the next page -- which is not numbered -- be adopted.

Discussion? Schrag?

MR. SCHRAG: Mr. President, I move the omission of lines 4 through 6. On line 4, starting with the word, "but", the third to the last word of that line, the amendment would delete from that word "but" through the word "in" on line 6 and would substitute the words, "to serve".

(The motion was duly seconded.)

MR. SCHRAG: This also is a clarifying amendment, Mr. President.

PRESIDENT CASSELL: One moment, now. Mr. Secretary, do you have that wording, starting with "but", down to "in", and the substitute wording there?

MR. COOPER: Yes.

MR. SCHRAG: The amendment, as it would read if amended, would be, "The Governor may from time to time prepare and submit to the legislature such supplemental and and efficiency recommendations as in his fair judgment are necessary to serve the public interest." This is a much simpler way of saying what I think the Committee is trying to say. The Committee has given us one special case where they do it, "in consequences of laws enacting transmission of the budget", and one general case, "or otherwise in the public interest". The general case subsumes the specific case, and the specific case is a subset of the general case. I think it will be very puzzling to the legislature and the officials of the state as to why the special case is in there, and therefore, I propose to delete it and replace it with the general case.

PRESIDENT CASSELL: Discussion? Does the Committee want to respond to that?

MR. COATES: The Committee supports the amendment, sir.

PRESIDENT CASSELL: Further discussion on the

amendment?

(No response.)

PRESIDENT CASSELL: There being none, those in favor of the amendment, please signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: It is so amended. Mr. Secretary, do you have that wording?

MR. COOPER: Yes.

PRESIDENT CASSELL: Delegate Coates?

MR. COATES: I just thought we adopted the amendment, but we adopted the motion.

PRESIDENT CASSELL: Yes, we are back to your main motion now.

MR. COATES: Which is to adopt the paragraph that we have amended.

PRESIDENT CASSELL: Yes.

MR. COATES: Are there any other amendments?

(No response.)

MR. COATES: If not, those who support the motion

to adopt the paragraph as amended will say aye.

(A chorus of ayes.)

MR. COATES: Those opposed, nay.

(No response.)

MR. COATES: The ayes carry.

Mr. President, I move the adoption of Paragraph 2 on page 2 of 10, beginning, "The proposed budget."

PRESIDENT CASSELL: It has been moved and seconded that Paragraph 2, beginning on page 2, be adopted, beginning on line 7. Discussion?

Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, again, to add wording to page 2, line 11, of my suggested amendment, I would move that lines 11 to 13 of this section be amended as follows, and I don't believe they interfere with the Committee. I think they merely clarify. "The period of the multi-year plan and the specific contents thereof shall be defined by law." No intent to change the meaning of the Committee.

PRESIDENT CASSELL: Committee reaction?

MR. COATES: Delegate Croft?

MR. CROFT: I think we need to make that plural, because there are two different multi-year plans. There is a multi-year capital improvements plan, and there is one for

all the agencies and departments. If you put an "s" on that --

MR. OULAHAN: Change "plan" to "plans"?

MR. CROFT: Yes.

MR. COATES: That's fine.

PRESIDENT CASSELL: Mr. Secretary, do you have the wording?

MR. COOPER: Yes.

PRESIDENT CASSELL: Okay. Further discussion on the amendment by Oulahan? Mr. Secretary, would you read that again, now?

MR. COOPER: The Oulahan amendment of line 11 would read, "The period of the multi-year plans and the specific contents thereof," and would strike "of the multi-year agency plans and multi-year capital improvement plans", and would include afterwards, "shall be defined by law."

PRESIDENT CASSELL: All right. Those in favor of that amendment, please indicate by raising your hands, the Oulahan amendment as just read by the Secretary.

(A show of hands.)

MR. COOPER: Twenty-two.

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: That amendment to that paragraph is adopted. Now, there is a continuation on page 3.

Delegate Coates?

MR. COATES: That completes the paragraph, sir, on page 2, so that it is in order to adopt the paragraph as amended.

PRESIDENT CASSELL: Those in favor of adopting the paragraph as amended, beginning on line 7, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

MR. COATES: Mr. President, I move the adoption of Paragraph 1 on page 3, beginning, "The Executive Budget".

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Paragraph 1 on page 3, beginning, "The Executive Budget," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: No discussion. Those in favor, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Mr. Coates?

MR. COATES: Mr. President, I move the adoption of Paragraph 2 on page 3, beginning, "There shall be established."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Paragraph 2 on page 3, beginning on line 3 be adopted.

Discussion? Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I move an amendment which I think implements and strengthens the intent of the Committee. Page 3, lines 3 to 5, change the language to read as follows: "There shall be established a state legislative budget office, which is responsible to the legislature, and which shall project revenue estimates for each fiscal period and carry out such other duties as the legislature shall determine. The reports of the office shall be public."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded. Delegate Oulahan, do you want to speak to that motion?

MR. OULAHAN: Yes. The idea is based on the Congressional Budget Office. I agree it should be an independent agency. I wanted to make sure that it reported to the legislature, just as in Congress it would be an organ of the legislature to assure its independence in budgetary matters. The language that I use here comes out of Congressional statute.

PRESIDENT CASSELL: Committee response?

MR. COATES: Mr. President, I have asked Delegate Bruning to share, at least with the Convention, the support for this provision which Delegate Garner, who sponsored the provision.

MR. BRUNING: Simply, this was based on the concept of (inaudible.) The thought behind it was that the person would be indeed independent of essentially everyone, including the legislature, so it would be seen as an independent agency whose sole responsibility was to professionally come up with the estimates and projections and be devoid as much as possible of the political intrigues of either the executive or the legislature.

So that is why we posited a completely independent

agency, and I think it is the position of the Committee that we would like it to remain independent of both the legislature and the executive and retain it the way it is.

PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: I support the Oulahan amendment. I think what it is really trying to do, is a very good idea, rather than deal with an entity, we have got to name someone who would have the responsibility. Now, this person would definitely be an employee of the state; whether he is associated with legislature, or with the executive or what, he has to be an employee of the state. I can appreciate what the Committee is saying they are trying to do, in not having this person associated with either the legislature or the executive. The Oulahan amendment just says he shall be a state employee. You can place him wherever you want, but he gave him a name. And this person has to -- even this separate entity you are speaking of, and even though you say "independent" -- that person will still be a state employee. As far as budgets are concerned, line item budgets, you have to be attached to some budget. And I think the Oulahan amendment just makes it that much more clear.

PRESIDENT CASSELL: Further discussion on the Oulahan amendment? Delegate Coates?

MR. COATES: Mr. President, as I understand the Oulahan amendment, this person is responsible to the legislature. And it was the position of Delegate Garner in Committee in trying to indicate the Committee's position with respect to this provision, was to establish it independent both of legislative and of executive relationships.

Nevertheless, it would be a public employee, of course.

PRESIDENT CASSELL: Let me ask a question. To whom would this person report, Delegate Coates?

MR. COATES: His report would go both to the executive and to the legislature. It would not be responsible to, as provided for in the Oulahan amendment.

PRESIDENT CASSELL: Who would be able to dismiss this employee? How would he be engaged? I think that is the question.

MR. COATES: He could walk into it, and he could walk out when he got tired of it.

(Laughter.)

MR. COATES: Yes, Mr. President, you are recognizing the speakers. The Chair has responded on behalf of the Committee. This is not provided for in the Committee's recommendations. That question, though, could be accommodated

by adding to the provision as prescribed by law. But you are recognizing the speakers.

PRESIDENT CASSELL: As far as the Committee is concerned, does it matter to whom this individual reports?

MR. COATES: Yes, it does.

PRESIDENT CASSELL: Delegate Oulahan?

MR. OULAHAN: Yes, Mr. President. I specifically provided for a legislative budget office, because we have a very good model up on the Hill and it is independent in the sense that it reports to the legislature, which doesn't ordinarily have the expertise which the Budget Office does. The Governor has that in his entourage, but the legislature doesn't have it. And I have the same problems that you have, Mr. President, about how does he get created, who pays for him, and how does he get fired. That was not in the amendment. That is why I said "legislative budget office".

PRESIDENT CASSELL: Does the Committee have any problem with that?

MR. COATES: Delegate Croft?

MR. CROFT: Yes. The person called for in the article is not the same thing as establishing a state legislative budget office. That was not our intent. Our intent was to establish a person who would be able to make

independent estimates of the revenues, independent of the Governor, independent of the legislature. In other words, we were not setting out to establish a special budget office for the legislature. That is a totally different kind of matter. That was not our intent.

I move, therefore, to amend our statement, which is, "There should be established an independent entity as provided by law....," and the rest of the sentence.

(The motion was duly seconded.)

MR. OULAHAN: I don't accept that amendment.

PRESIDENT CASSELL: The Parliamentarian has reminded us that you can make an amendment -- it has to be germane to his amendment, though. It isn't something that opposes it -- well, it can oppose it, but it must speak specifically to his amendment.

MR. CROFT: Mr. Chairman, I would like to make a substitute motion, then. The substitute motion would read, "There shall be established an independent entity as provided by law to protect revenue estimates for the ensuing fiscal period, which projections shall be published and made available to the public."

(The motion was duly seconded.)

PRESIDENT CASSELL: Please read that again,

Delegate Croft, slowly, so the Secretary may get it.

MR. CROFT: "There shall be established an independent entity as provided by law....," and the rest of the paragraph.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that after "entity", we interject, "as provided by law". Is there any discussion on that? Delegate Long?

MR. LONG: Previously, in this constitution, we have adopted an auditor, what parallels now the city auditor position. For the record, I would like to ask the Committee if they have in mind that kind of a position. If you remember, the auditor is appointed for a fixed term by the legislature, but can only be removed for cause. That kind of independence is the kind of independence which I hope would attach to this kind of function.

MR. COATES: Delegate Croft?

MR. CROFT: Yes, I believe it is stronger independence than that. It is copied from the State of Maryland, in which you have an independent person, independent from the governor and the legislature, the controller. We don't use the same language.

PRESIDENT CASSELL: Delegate Long?

MR. LONG: My question really went to the inability to remove the person except for cause. I was trying to get that as a sort of legislative history, to get a feeling for the kind of independence you are talking about.

PRESIDENT CASSELL: Delegate Schrag?

MR. SCHRAG: Mr. Chairman, the phrase, "as provided by law", in the substitute, would that permit the legislature, if it thought that that were the best way to do it, to do what Mr. Oulahan proposes, and set up an agency responsible to it? Would "the law" in the phrase, "as provided by law" mean that the agency was independent of the executive branch but responsible to the legislature?

PRESIDENT CASSELL: Delegate Coates?

MR. COATES: The Committee's view is "no" to your question, sir, that this must be independent both of responsibility to the legislature and to the executive. However, the reporting of this individual would be to both. Parenthetically, it would not be an auditor's report.

MR. SCHRAG: So what you mean is that under this language, only the governor would be able to appoint the members, since it would not be a creature of the legislature, and the members would owe their appointments to the governor. And my question is, why is that better than owing their

appointments to the legislature? Why does that ?
the people of the state for the people who are projecting
these budgets independently of the governor, to owe their
appointments to the governor rather than the legislature?

MR. COATES: Well, we don't know what might be
prescribed by law. Your question goes beyond the provision
here. The Croft substitute, if adopted, provides that by
law, it would be determined how this person is designated.

MR. SCHRAG: I'm sorry, but that doesn't answer
my question. My question is, why is it better to have the
person who is in this job appointed by the governor -- that
only the governor could possibly appoint this person? The
law must provide some way of choosing the person. The only
elected state officials are the governor and the secretary
of state. Why is it that -- maybe you are not proposing that;
I take it back -- are you proposing that the law could permit
election of this person by the people?

MR. COATES: The law could permit his election,
the law could permit his appointment, subject to the advice
and consent of the legislature. That's another alternative on
that theme.

MR. SCHRAG: But it could not provide for legislative
appointment -- or, could it?

PRESIDENT CASSELL: I think we have to move on, now. There is a motion on the floor. The substitute motion is to delete this particular paragraph and substitute for one creating a state legislative budget office. Is everybody clear?

MR. COATES: Mr. President, the substitute of Delegate Croft does not provide for a legislative budget office. It provides in the substitute that, "There shall be established an independent entity as provided by law to project revenue estimates for the ensuing fiscal period, which projections shall be published and made available to the public."

PRESIDENT CASSELL: Okay, the motion that is on the floor now is Croft's substitute motion. Croft's motion -- well, it has got to be an amendment; it cannot be a substitute motion.

Delegate Croft, let's run through this now.

MR. CROFT: I made a substitute.

PRESIDENT CASSELL: Let's just get back to where we started. The paragraph, as written by the Committee, a substitute motion was made for that which is a different motion. The substitute motion made by Oulahan was not to have this independent entity, but to eliminate that and to have a

state legislative budget office. All right. Now, your motion went back to the paragraph that is written here. It can't be a substitute to a substitute, so it has to be an amendment. So what you attempted to do was amend the Committee's report. The Chair erred in allowing that, simply because it didn't speak to Oulahan's motion. Having recognized it, we now have to deal with it.

All right. Let us now look at the motion that is on the floor. That motion is to amend, "There shall be established an independent entity," so that it reads, "independent entity as provided by law." After we finish that, we can get back to Delegate Oulahan's amendment, or Delegate Oulahan's substitute.

Is everybody clear what the Croft amendment is now, to interject "as provided by law" after "entity". Those in favor, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: That motion carries.

MR. COATES: Mr. Chairman, the situation that I

see now is that the matter has been put before us, and the Committee stands corrected in its best posture, and that is incorporating provision by which this person could be designated, and it would be, it seems to me, in order for Delegate Oulahan to propose amendments thereto or to propose substitutes therefor.

MR. OULAHAN: Mr. Chairman, I want to withdraw my amendment, not because I think it is bad, but because the majority of the Convention has voted for an independent body established by law. To consider my amendment now would be useless, so therefore, I withdraw it.

PRESIDENT CASSELL: Yes, it would be difficult, also, since the substitute has replaced it. Okay. Delegate Coates?

MR. COATES: Thank you, sir. We adopted the motion as amended?

PRESIDENT CASSELL: Yes, we did.

MR. COATES: Mr. President, I move the adoption of the section entitled, "Adoption of the Budget." It is a one-paragraph section, sir, beginning at line 7.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the section entitled, "Adoption of the Budget", be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of the section, "Adoption of the Budget", indicate by -- he has made a point here. We adopted that last paragraph, but we didn't adopt the entire section entitled, "The Budget". Let us go back now. Do you want to make a motion on that?

MR. COATES: Mr. Chairman, I move the adoption of the entire section entitled, "Budget", beginning on page 1 at line 6, and ending on page 3 at line 5.

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay. Those in favor of such adoption, indicate by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: It is adopted.

Delegate Coates?

MR. COATES: I move the adoption of the section entitled, "Adoption of the Budget", beginning on page 3, line 7, and ending on page 3, line 10.

(The motion was duly seconded.)

PRESIDENT CASSELL: All right. The Committee --
Delegate Barnes?

MR. BARNES: I think, because we did this two pages
back, we should say "balanced operating budget".

(The motion was duly seconded.)

MR. BARNES: I think the Committee can go along
with that.

PRESIDENT CASSELL: It has been moved and seconded
that on line 10, after the word, "balance", we insert
"operating", so that it reads, "through the executive, a
balanced operating budget for the state". Is there discussion
on that motion?

(No response.)

PRESIDENT CASSELL: Those in favor of that insertion,
signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Okay. Further amendments?

MR. COATES: Mr. President, I move the adoption of

the section entitled, "Adoption of the Budget" as amended.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the section, "Adoption of the Budget", be adopted as amended.

Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I move to delete the section that has already been covered by the legislative article.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that this section be deleted, with the statement that it has already been covered.

Discussion? Bruning?

MR. BRUNING: This is possibly a point of order, I am not sure, but I am not sure if the legislative article doesn't require two-thirds of all, and if so, we would be in conflict, and I think that that is a conflict that we want to find out.

CHAIRMAN CASSELL: Further discussion?

MR. COATES: Yes. Mr. President, it is the Committee's position to keep the section entitled, "Adoption of the Budget", incorporated into "Finance and Taxation".

PRESIDENT CASSELL: All right, fine.

Further discussion? Delegate Mason?

MRS. MASON: I want to raise a point of order, and then make a motion, if it is appropriate.

PRESIDENT CASSELL: State your point, yes.

MRS. MASON: I want to know where we are.

PRESIDENT CASSELL: We are on line 7, page 3, the section called, "Adoption of the Budget". It has been moved and seconded that it be adopted.

MRS. MASON: Mr. Chairman, I would like to move to delete words on page 4, line --

PRESIDENT CASSELL: We are now on page 3.

MRS. LOCKRIDGE: I don't think you have the same one I have. I think you have the one that is dated April 27th.

PRESIDENT CASSELL: It is dated May the 7th. This is page 3; May the 7th is the date.

MRS. MASON: Mr. Chairman, does it not end on page 4?

PRESIDENT CASSELL: No. In fact, the section goes from line 7 to line 10, and it is on page 3.

MR. COATES: Mr. President, maybe Delegate Mason did not hear our procedure, and that is to consider the

article on finance and tax by paragraphs. So the motion is restricted to only that section, "Adoption of the Budget".

Mr. President, there are no further questions.

PRESIDENT CASSELL: Okay. If there are no further questions, those in favor of adopting -- Delegate Coates, what is the motion on the floor?

MR. COATES: The motion on the floor is the motion of Delegate Oulahan to strike the section entitled, "Adoption of the Budget", lines 7 through 10. The Committee is opposed to its deletion, sir, and I would ask Delegate Barnes to speak with respect thereto, the Committee's position.

PRESIDENT CASSELL: Do you want the floor, Delegate Barnes?

MR. BARNES: Oh, I was just going to raise a point of clarification. Did Oulahan's motion get a second?

MR. COATES: Yes, it did get a second. Delegate Cooper wants to speak in support of the Committee's position for maintaining its inclusion, sir.

MR. COOPER: Yes. As a member of the Committee on Finance and Tax, we did give this section a great deal of consideration. As a matter of fact, I have before me a quite detailed proposal that we considered in the Committee, and most of this language is in our report, if you will look at it. And

we thought that something had to be mentioned in this section. Of course, we weren't aware of what the Committee on the Legislature is doing, and if they have language that is similar, or language that is different, I think we should consider each one on its merits. Now, we have already considered what the legislature has done, and I think we should consider the work that the Committee on Finance and Tax has done, because we think that this issue does need to be addressed, and we think that we have put forth a very formidable type of section here.

So I would urge you to vote against the Oulahan amendment to strike.

PRESIDENT CASSELL: Delegate Baldwin, on Oulahan's motion?

MR. BALDWIN: I think we are right back where we were. It doesn't matter how much time a Committee spent on anything; they shouldn't feel that that should be abided by. The question was whether or not this body has adopted identical same language, and that is what we should deal with. Now, if it is in the legislation, you are running out of time -- why should we adopt this? There are two other sections that I am sure we have adopted. What we should do at this point is check with the Secretary, or whoever has the official record

for the legislature, that we have in fact adopted this -- then, the point is well-taken. If we have not adopted it, someone needs to say, so it is not a question of what the Committee did, how much time. The only question that should be before this body of intelligent people is whether or not we did in fact adopt the same language. And I think someone -- at least they owe it to me, whether other delegates feel that way or not -- should say to us, "Yes, this language has been adopted."

PRESIDENT CASSELL: Delegate Jordan, and then Delegate Schrag?

MR. JORDAN: Mr. Chairman, on a previous occasion, when a similar issue to this came up, I arose and asked the Chair if the fact that a committee had dealt with a particular subject matter or an article that contained subject matter similar to other article, whether that would preempt a subsequent committee from proposing language similar to that. At that time, the ruling was that we could. So I am kind of confused now. Are we saying -- because this would affect us on how we will vote on some other committees -- are we saying now that just because a committee deals with it, it is preempted, or if it is adopted, won't those kinds of conflicts or what-have-you be resolved by Style and Drafting?

PRESIDENT CASSELL: Yes, let's hear a response to

that. The First Vice President has made a valid point. I don't remember that before. But what I am indicating is that his point is well-taken. There is no point in repeating something, even if it is valid, even if it is not conflicting, if it is covered properly in another article. If we raise that issue, we will eliminate it. As you think about reading the document after it is completed, if you see things repeated between articles, it does look a bit peculiar.

Delegate Barnes?

MR. BARNES: I would like Delegate Schrag to point out -- I would like the Delegate to show me where the language is, because I haven't been able to locate it.

PRESIDENT CASSELL: I recognize Delegate Schrag next.

MR. SCHRAG: Mr. President, I think I have the answer here to the Vice President's question. When we dealt with the Executive Branch article, it had some language in it about duplications. We eliminated it there, so that we could deal with it here. There is no need to avoid this here. There is no other section of the constitution we have adopted that deals with this material. On the other hand, when we come to the very next section after this, we duplicate most of what is in the legislature section. So right now, right on

this section, we go with the problem.

PRESIDENT CASSELL: Delegate Oulahan, do you agree with that, and are you prepared to make a motion?

MR. OULAHAN: The point I was going to make, Mr. President, is that the approval of veto is in Section 17, pages 11 and 12, of the legislative report.

MR. SCHRAG: That's the next section.

PRESIDENT CASSELL: All right. The motion on the floor is to delete the whole section, "Adoption of the Budget". Is there further discussion on that motion?

(No response.)

PRESIDENT CASSELL: Those in favor, signify by saying aye.

(No response.)

PRESIDENT CASSELL: Those opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion loses. The motion on the floor now is "Adoption of the Budget."

Yes?

MR. ROTHSCILD: I would like to ask the Committee a question. In this section, "Adoption of the Budget" --

PRESIDENT CASSELL: We can save time if you please keep quiet. Please keep quiet so we can hear the speaker on the floor.

MR. ROTHSCHILD: Now, in a balanced operating budget, we may want a standard to come down from the executive to balance it out. But there may be years when your economy is running lopsided, and your revenues really aren't going to be that great. Does that mean in a year that the respective revenues are not very strong that you couldn't have expenditures greater than revenues?

MR. COATES: The Committee anticipated such a situation, and provisions are incorporated under the section, "Borrowing and Debt", which are responsive to the question or the situation, if such occurs. That is, if there is an imbalance between projected expenditures and anticipated revenues, such that there is a deficit.

MR. ROTHSCHILD: Would that be considered a balanced budget, then, if you borrowed? In other words, does the legislature have to balance revenues and expenditures, or does it give them the possibility where revenues and expenditures might not be balanced in some years?

MR. COATES: What they adopt in accordance with this provision has to be balanced. If, in the fiscal period that

ensues, there are imbalances, they are responded to by other means -- namely, borrowing, short-term borrowing.

MR. ROTHSCCHILD: I would like to speak against balanced in that case, because I think we are tying the hands of the legislators to properly adjust the budgets to different economic situations, and I think although, overall, a balanced budget is a very desirable thing, there are some years where you may see deficits and some years where you may see surplus. And I don't think we are giving the legislature enough flexibility to move in to be able to make those different adjustments year by year. So I think "balanced" is being a little bit too tight. And I won't make the amendment to drop it, if other people think it is worth it.

PRESIDENT CASSELL: Delegate Coates?

MR. COATES: Mr. Chairman, the Committee is very strongly in support of the requirement of adoption of a balanced budget, and there is a strained silence among the delegates here, and that strained silence seems to me highlighted in the following manner.

We have heard that many other things could scuttle the adoption of this constitution by the citizens and by the Congress. But the Committee views problems in the area of spending as also critically serious matters, and we are

pained that the loud voices of doom have not been heard in support of the Committee. The Committee has taken a very conservative position, a sound position, that this state ought to operate on a sound fiscal basis, and it is to urge the adoption of the requirement of a balanced budget.

PRESIDENT CASSELL: I think there has been sufficient discussion on this. May we vote? Those in favor of the "Adoption of the Budget" section as written, please raise your hands.

(A show of hands.)

MR. COOPER: Twenty-one.

PRESIDENT CASSELL: Opposed?

(A show of hands.)

MR. COOPER: Two.

PRESIDENT CASSELL: Abstain?

(A show of hands.)

MR. COOPER: One.

PRESIDENT CASSELL: So adopted. The section on "Budget Veto Authority", Delegate Coates.

MR. BARNES: Point of personal privilege.

PRESIDENT CASSELL: State your point of personal privilege.

MR. BARNES: Yes, I would like to explain why I

abstained on the last section. In the Committee, I --

PRESIDENT CASSELL: Delegate Barnes, unless it is really crucial, not that I don't like you doing that, but everybody may have to do that, and we can lose five minutes per section.

MR. BARNES: Okay. I just wanted to make one statement. I did not vote for a balanced budget in this Committee.

PRESIDENT CASSELL: Thank you.

Delegate Coates?

MR. COATES: Mr. President, being guided by the Chair, who articulated in other meetings the advisability of conferring between and among committees, such conferences were held with the Chairperson of the Committee on Education, and the Committee on Finance therefore proposes to adopt the section entitled, "Budget Veto Authority", as follows: "The Executive shall be empowered with line item veto authority on the budget, unless otherwise specified in this constitution. The legislature shall have the power to override the Executive's veto, but such overrides shall not be effective until they have been decided by a two-thirds majority vote of those present and voting."

In the constitution, otherwise placed in the section on Education, there is a reference to the Governor's

authority, and that reference delimits or prevents the Governor from exercising a line item veto authority over the line items in the education budget. So this is to accommodate the guidance of the Chair and to coordinate the work of Finance and Tax with the Committee on Education.

I move the adoption of the section entitled, "Budget Veto Authority".

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay, now, I wasn't able to determine whether you were making an amendment to this, based on conferring with others, unless otherwise indicated in this constitution?

MR. COATES: That is correct.

PRESIDENT CASSELL: Where does that go?

MR. COATES: That goes at the end of line 12, sir.

PRESIDENT CASSELL: That becomes the beginning phrase of the next sentence?

MR. COATES: No; it becomes the ending.

PRESIDENT CASSELL: Okay. Is that amendment clear to everybody? Delegate Oulahan?

MR. OULAHAN: Mr. President, I move to strike the section on the grounds that Section 17 of the legislative article already covers the matter.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that this section be struck. Delegate Coates, could you respond to that?

MR. COATES: Yes. I do not have before me, sir, the legislative section with respect to this, but would be very concerned that that article allows --is not inconsistent with the position of the Committee on Education.

PRESIDENT CASSELL: All right. Would anybody on your Committee or a delegate like to clarify that? Delegate Schrag, Delegate Baldwin.

MR. SCHRAG: I have the language which had been approved on the floor here, and I think I would like to read it to the delegates, just so they can know what we are talking about. It says -- and this has already been approved -- "The Governor may by veto strike items in appropriation bills. The Governor shall promptly return any vetoed bill or item of appropriation to the legislature with a statement of gubernatorial objections. Upon receipt of the gubernatorial veto, the legislature shall promptly reconsider passage of the vetoed bill or item. Such bill or item requires only one reading and shall become law upon affirmative vote of two-thirds of all legislators." There is on inconsistency between

this and the proposed section of the Finance and Tax Committee, and that is that this requires two-thirds of all legislators to override the veto, rather than those present and voting. And, there is something else, which I wouldn't call an inconsistency yet, because we haven't seen the Education Committee's proposal; it is not before us. But this does not have an exception in it. I would suggest that the best way to deal with the slight inconsistency of the two-thirds versus all is to let it go, because the more contradictions we deliberately build into this, the more confusing and complicated this whole process is going to become, and the more likely that we are going to overlook those somewhere in the process. We can tolerate a few, and if it is very important to the body to say "present and voting" instead of "all legislators", we can take a few. But the more we clutter this document with contradictions, the more difficult it is going to be to get the job done on time.

As to the education matter, I suggest we debate that when we get the education article.

PRESIDENT CASSELL: I recognize Delegate Baldwin?

MR. BALDWIN: Mr. President, Delegate Schrag keeps very good notes. My notes correspond exactly with what he has. My point, though, is one of a procedural kind of thing.

We have a Secretary and a staffperson who are keeping official notes for this body. I think when there is question of duplication, there is no point in turning to Delegate A or Delegate B or Delegate C, or even listening to what they have to say. We should turn to our official record; what does the record show as far as what was adopted? And I think we ought to do that as a procedure.

I am sure the next two items, like Delegate Schrag said about education, are definitely out of order. One of them, we have already voted on, as he said. But we need to find out exactly from our official recordkeeper, which is our Secretary or official staffperson, to read to us what previous article, section and amendments have been adopted, and then this body can decide for themselves, or you can, as the Chair, say, "Yes, this is a duplication", and not really rely on the Jim Baldwins, the Ab Jordans, and the Phil Schrags, et cetera.

That is the right way to do it.

PRESIDENT CASSELL: Thank you very much, Mr. Vice President.

In the absence of any challenge, since we are trying to expedite things, and the Secretary is very quick to make corrections and to indicate to us inaccuracies as we